

**EXHIBIT LIST IN SUPPORT OF MOTION TO DISMISS, OR IN THE ALTERNATIVE
MOTION FOR SUMMARY JUDGMENT**

Defendants, through counsel, file the attached exhibits and exhibit list in support of the instant Memorandum in Support of its Motion to Dismiss, or in the Alternative Motion for Summary Judgment. Defendant submits the following exhibits:

- Ex. A. John Mitchell Declaration, July 13, 2005
- Ex. B. Letter from Mr. Pressley to John Mitchell, letter dated March 21, 2005
- Ex. C. Letter from Dave Moore to John Mitchell,
- Ex. D. Job Description for Emergency Actions Assistant
- Ex. E. Family and Medical Leave Act Application
- Ex. F. Mitchell Affidavit, April 9, 2006
- Ex. G. Email Message from John Mitchell to Dave Moore, February 5, 2005